

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

On September 3, 2004, the plaintiff commenced this action in the Court of Common Pleas for Jasper County. On August 12, 2005, the defendant Golden Rule Insurance Company removed on the basis of fraudulent joinder. Pursuant to 28 U.S.C. §1446, a defendant must remove to federal court “within thirty days after receipt . . . of the initial pleading . . . or other paper from which it may be first ascertained the case is one which is or has become removable.” The Golden Rule Insurance Company had notice of their fraudulent joinder claim and this action’s removability at the time of the complaint, and thirty days lapsed. This Court hereby remands this action to the Court of Common Pleas for Jasper County, State of South Carolina.

AND IT IS SO ORDERED.

C. Weston Storch

C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

October 17, 2005
Charleston, South Carolina